

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**JEREMY KNUDSEN,
MARQUE MILLER,
JEREMY TORPY and
JUSTIN ZELENY,**

Defendants.

8:06CR23

ORDER

This matter is before the court on the motion to continue by defendants Jeremy Torpy (Torpy) (Filing No. 38) and Justin Zeleny (Zeleny) (Filing No. 39). The defendants seek a continuance of the trial scheduled for April 10, 2006. Moving counsel represent that counsel for the government has no objection to the motions. Upon consideration, the motions will be granted.

IT IS ORDERED:

1. Torpy's and Zeleny's motions to continue trial (Filings No. 38 and 39) are granted.
2. Trial of this matter **as to all defendants** is re-scheduled for **June 5, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **April 5, 2006 and June 5, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 5th day of April, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge